

1 **AT&T COMMUNICATIONS**
2 **OF THE SOUTH CENTRAL STATES, LLC**

3 **TESTIMONY OF JAY BRADBURY**

4 **BEFORE THE TENNESSEE REGULATORY AUTHORITY**

5 **DOCKET NO. 97-00309**

6 **July 12, 2002**

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9
10 **BACKGROUND**
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12

13 **Q. PLEASE STATE YOUR NAME AND ADDRESS.**

14 A. My name is Jay M. Bradbury. My business address is 1200 Peachtree Street,
15 Suite 8100, Atlanta, Georgia 30309. Currently I am employed by AT&T Corp.
16 (“AT&T”) as a District Manager in the Law and Government Affairs
17 Organization.

18 **Q. PLEASE DESCRIBE YOUR EDUCATIONAL AND PROFESSIONAL**
19 **BACKGROUND.**
20

21 A. I graduated with a Bachelor of Arts degree from The Citadel in 1966. I have taken
22 additional undergraduate and graduate courses at the University of South Carolina
23 and North Carolina State University in Business and Economics. I earned a
24 Masters Certificate in Project Management from the Stevens Institute of
25 Technology in 2000.
26

1 I have been employed in the telecommunications industry for more than thirty
2 years with AT&T, including 14 years with AT&T's then-subsiary, Southern
3 Bell. I began my AT&T career in 1970 as a Chief Operator with Southern Bell's
4 Operator Services Department in Raleigh, North Carolina. From 1972 through
5 1987, I held various positions within Southern Bell's (1972 – 1984) and AT&T's
6 (1984 – 1987) Operator Services Departments, where I was responsible for the
7 planning, engineering, implementation and administration of personnel, processes
8 and network equipment used to provide local and toll operator services and
9 directory assistance services in North Carolina, South Carolina, Kentucky,
10 Tennessee and Mississippi. In 1987, I transferred to AT&T's External Affairs
11 Department in Atlanta, Georgia, where I was responsible for managing AT&T's
12 needs for access network interfaces with South Central Bell, including the
13 resolution of operational performance, financial and policy issues.

14
15 From 1989 through November 1992, I was responsible for AT&T's relationships
16 and contract negotiations with independent telephone companies within the South
17 Central Bell States and Florida. From November 1992 through April 1993, I was
18 a Regulatory Affairs Manager in the Law and Government Affairs Division. In
19 that position, I was responsible for the analysis of industry proposals before
20 regulatory bodies in the South Central states to determine their impact on AT&T's
21 ability to meet its customers' needs with services that are competitively priced and
22 profitable. In April 1993, I transferred to the Access Management Organization
23 within AT&T's Network Services Division as a Manager – Access Provisioning
24 and Maintenance, with responsibility for ongoing management of processes and

1 structures in place with Southwestern Bell to assure that its access provisioning
2 and maintenance performance met the needs of AT&T's strategic business units.

3
4 In August 1995, as a Manager in the Local Infrastructure and Access Management
5 Organization, I became responsible for negotiating and implementing operational
6 agreements with incumbent local exchange carriers needed to support AT&T's
7 entry into the local telecommunications market. I was transferred to the Law and
8 Government Affairs Organization in June 1998, with the same responsibilities.

9 One of my most important objectives in these negotiations has been to ensure that
10 BellSouth provides AT&T with efficient and nondiscriminatory access to
11 BellSouth's Operations Support Systems ("OSS") throughout BellSouth's nine-
12 state region to support AT&T's market entry. As part of my overall
13 responsibilities, I have personally spent hundreds of hours in direct negotiations
14 and implementation meetings with BellSouth personnel and subject matter
15 experts. My activities have included direct participation in OSS implementation
16 teams, review and analysis of data from the testing and use of BellSouth's
17 interfaces as they are implemented, and continuing consultation with AT&T
18 decision makers concerning OSS.

19
20 **Q. HAVE YOU EVER TESTIFIED BEFORE?**

21 A. Yes, I have testified on behalf of AT&T in a number of State public utility
22 commission proceedings regarding OSS issues, including arbitration and Section
23 271 proceedings in all nine States in the BellSouth region. I have also testified on

1 behalf of AT&T in the proceedings before the FCC regarding BellSouth's
2 previous applications to provide in-region interLATA service in South Carolina,
3 Louisiana, and Georgia.

4 **Q. WHAT IS THE PURPOSE OF YOUR TESTIMONY?**

5 A. The purpose of my testimony is to demonstrate that BellSouth has not and cannot
6 establish that it currently provides CLECs with nondiscriminatory access to its
7 operations support systems ("OSS") in Tennessee.

8
9 First, I explain that BellSouth has not and cannot establish that its OSS actually
10 operate in a nondiscriminatory manner in Tennessee because BellSouth has not
11 provided OSS performance data or test results that: (a) comply with the
12 Authority's order in the Performance Measurements Docket,¹ and (b) have been
13 determined by the Authority to be reliable under the OSS Docket.²

14
15 Next, I explain that, in a number of important areas, BellSouth does not provide
16 CLECs with access to equivalent OSS functionality as compared to the
17 functionality it provides it provides itself. These important areas include:

- 18 • Electronic Ordering and Processing
- 19 • Status Notices
- 20 • Integration of Maintenance & Repair Interface
- 21 • Billing Information
- 22

¹ *Docket to Establish Generic Performance Measurements, Benchmarks and Enforcement Mechanisms for BellSouth Telecommunications, Inc.*, Docket No. 01-00193 ("Performance Measurements Docket").

² *Docket to Determine Compliance of BellSouth Telecommunications, Inc.'s Operations Support Systems with State and Federal Regulations*, Docket No. 01-00362 ("OSS Docket").

1 Finally, I explain that BellSouth's Change Control Process ("CCP") has the
2 following characteristics that render it deficient:

- 3 • Unilateral Control by BellSouth
- 4 • Insufficient Sharing of Release Capacity Information
- 5 • Inordinately Slow Implementation of Change Requests
- 6 • Inadequate Test Environment
- 7 • CCP Noncompliance

8
9 For the reasons more fully explained below and in other testimony submitted by
10 AT&T, the Authority should find that BellSouth has not established that it
11 provides CLECs with non-discriminatory access to its OSS.
12

13 **PROCEDURAL SETTING**

14 **Q. ARE THERE ANY OTHER DOCKETS THAT CLOSELY RELATED TO**
15 **THIS DOCKET?**

16 **A.** Yes, two other dockets are closely related to this docket: the Performance
17 Measurements Docket and the OSS Docket.
18

19 **Q. HOW ARE THESE OTHER DOCKETS RELATED TO THIS DOCKET?**

20 **A.** The Performance Measurements Docket and the OSS Docket provide the
21 foundation for a critical component of the Authority's ultimate decision on
22 whether to recommend approval or rejection of BellSouth's Section 271
23 application for Tennessee. That critical component is whether BellSouth provides
24 CLECs with non-discriminatory access to its OSS.
25

1 **Q. PLEASE EXPLAIN HOW THE PERFORMANCE MEASUREMENTS**
2 **DOCKET AND THE OSS DOCKET PROVIDE THE FOUNDATION FOR**
3 **THIS DOCKET.**

4 A. In the Performance Measurements Docket, the Authority conducted a thorough
5 review of BellSouth's performance measures and then adopted specific
6 performance measurements, benchmarks, and enforcement mechanisms.³ The
7 Authority concluded that "[t]he performance measurements, benchmarks and
8 enforcement mechanisms adopted herein also provide a vehicle for determining
9 whether BellSouth provides nondiscriminatory access to its network elements, one
10 of the requirements that must be satisfied before BellSouth's application to
11 provide interLATA long distance service pursuant to 47 U.S.C. § 271 can be
12 approved."⁴ The Authority also concluded that the "benchmarks for the
13 performance measurements adopted herein represent levels of service that
14 BellSouth must achieve in order to meet the requirement of nondiscriminatory
15 access" and "shall be used to evaluate whether BellSouth is providing
16 nondiscriminatory access to its network."⁵

17
18 In the OSS Docket, the Authority sought to determine whether BellSouth provides
19 nondiscriminatory access to its OSS in accordance with state and federal law.⁶

20 When opening the OSS Docket, the Authority affirmed that "nondiscriminatory
21 access to OSS is a prerequisite to the development of meaningful competition."⁷

³ *Order Setting Performance Measurements, Benchmarks and Enforcement Mechanisms*, Dckt. No. 01-00193, at 10 (May 14, 2002); Amended Final Order Granting Reconsideration and Clarification and Setting Performance Measurements, Benchmarks and Enforcement Mechanisms (June 28, 2002) (collectively, the "Performance Measurements Order").

⁴ *Id.* at 10.

⁵ *Id.* at 23 (emphasis added).

⁶ *See Order Establishing OSS Docket*. Phase I of the OSS Docket is complete and the TRA issued its ruling on May 21, 2002. Phase II's schedule is forthcoming.

⁷ *Order Establishing OSS Docket* at 6 (emphasis added).

1 Indeed, BellSouth has recognized that it must “prove its case to the TRA, both on
2 access to OSS and every other checklist item.”⁸ As the Authority has observed,
3 BellSouth does not contest that the OSS Docket contains “subject matter that
4 BellSouth must rely upon in support of its Tennessee 271 application.”⁹
5

6 The focus of the OSS Docket was “to determine whether existing data or test
7 results derived from OSS testing in other states is reliable and applicable to
8 Tennessee and, in those instances where reliance on such testing is inappropriate,
9 to conduct necessary testing.”¹⁰ The Authority divided the OSS docket into two
10 phases. Phase I was to address the regionality of BellSouth OSS.¹¹ The Phase II
11 was to address the reliability of OSS testing completed in other states and
12 performance data to determine whether additional OSS testing in Tennessee
13 would be necessary for the Authority to conduct a proper and thorough evaluation
14 of BellSouth’s OSS.¹²
15

16 **Q. WHAT IS THE STATUS OF THE PERFORMANCE MEASUREMENTS**
17 **DOCKET AND THE OSS DOCKET?**

18 A. BellSouth has not yet completed the actions necessary to implement the
19 Performance Measurements Order, nor has BellSouth provide any definitive
20 implementation schedule for such actions. Rather, on July 3, 2002, BellSouth

⁸ *BellSouth Telecommunications, Inc.’s Reply to AT&T’s Motion to Dismiss BellSouth’s Proposed Section 271 Schedule and the Response of XO Tennessee and Time Warner Telecom to AT&T’s Motion to Dismiss* at 5, Dckt. No. 97-00309, filed July 26, 2001 (“*BellSouth’s Reply to AT&T’s Motion to Dismiss*”).

⁹ *Initial Order – July 12, 2001* at 9.

¹⁰ OSS Docket, Order Resolving Phase I Issues of Regionality, at 2-3 (June 21, 2002) (the “OSS Phase I Order”).

¹¹ OSS Phase I Order, at 6.

¹² OSS Phase I Order, at 8-9 (Phase II Issues List).

1 advised the Authority that it intends to seek reconsideration and a stay of the
2 Performance Measurements Order.

3
4 With respect to the OSS Docket, the Authority issued its Order Resolving the
5 Phase I Issues of Regionality on June 21, 2002. In its OSS Phase I Order, the
6 Authority concluded “BellSouth failed to satisfy its burden of establishing that its
7 pre-ordering, ordering, provisioning, maintenance and repair, and billing systems
8 are regional.”¹³ As a result of that conclusion, a number of the Phase II issues
9 become moot. Essentially, the Phase II issues that remain are: (a) the reliability of
10 Tennessee-specific performance data; and (b) the extent to which Tennessee-
11 specific OSS testing will be necessary to provide the Authority with sufficient
12 information to use in conjunction with Tennessee-specific performance data to
13 evaluate BellSouth’s compliance with state and federal law.

14
15 **Q. HOW DO THE PERFORMANCE MEASUREMENTS ORDER AND THE**
16 **OSS PHASE I ORDER IMPACT THIS DOCKET?**

17 **A.** The completion and implementation of results reporting in accordance with the
18 Performance Measurements Order is a necessary prerequisite to completing of
19 Phase II of the OSS Docket, which in turn is a necessary prerequisite to
20 completing this Docket. Specifically, the Authority cannot evaluate the reliability
21 of Tennessee-specific performance data until BellSouth implements the Order
22 establishing the performance measurements, benchmarks, and enforcement
23 mechanisms that will apply in Tennessee. Depending on the outcome of Phase II
24 of the OSS Docket, testing of BellSouth’s OSS in Tennessee may need to be
25 conducted. Upon completion of any required testing, the Authority should have

¹³ OSS Phase I Order, at 43.

1 the Tennessee-specific information it needs – reliable performance data and test
2 results – to support an informed decision on whether BellSouth provides
3 nondiscriminatory access to its OSS in accordance with state and federal law.

4
5 **OSS PERFORMANCE**

6 **Q. IS IT IMPORTANT THAT BELL SOUTH PROVIDE TENNESSEE-**
7 **SPECIFIC PERFORMANCE DATA THAT COMPLIES WITH THE**
8 **AUTHORITY’S PERFORMANCE MEASUREMENTS ORDER?**

9 **A.** Yes. As noted above, the Authority has concluded that Tennessee-specific
10 performance data that complies with the Authority’s Order is an indispensable
11 tool for evaluating BellSouth’s compliance with the requirements of Section 271.
12 For its part, the FCC has confirmed that “[p]erformance measurements are an
13 especially effective means of providing . . . evidence of the quality and timeliness
14 of the access provided by [an ILEC] to requesting carriers.”¹⁴ The FCC,
15 moreover, encourages “[a]n extensive and rigorous evaluation” of the ILEC’s
16 performance by the individual states.¹⁵ Indeed, the FCC has acknowledged that
17 the individual states may set performance standards at levels at or above what is
18 necessary to meet the statutory nondiscrimination standard.¹⁶

19
20 **Q. HAS BELL SOUTH SUBMITTED COMPLIANT TENNESSEE-SPECIFIC**
21 **PERFORMANCE DATA?**

¹⁴ Memorandum Opinion and Order, *In the Matter of Application by SBC Communications Inc., Southwestern Bell Tel. Co., and Southwestern Bell Communications Services, Inc., d/b/a Southwestern Bell Long Distance Pursuant to Section 271 of the Telecommunications Act of 1996 to Provide In-Region, InterLATA Services in Texas*, 15 FCC Red. 18,354 ¶ 53 (F.C.C. June 30, 2000) (No. CC 00-65, FCC 00-238) (“SWBT Texas Order”).

¹⁵ *SWBT Texas Order* ¶ 54.

¹⁶ *SWBT Texas Order* ¶ 55 & n.102. When a state determines its appropriate performance levels by undertaking a rigorous proceeding in collaboration with CLECs, the FCC is much more likely to rely on those standards and measurements in its own analysis. *Id.* ¶ 56.

1 A. No, and AT&T Witness Cheryl Bursh provides detailed testimony on this subject.
2 BellSouth, moreover, has not advised the Authority if and when compliant
3 Tennessee-specific performance data will be provided. Rather than implement the
4 performance measures adopted by the Authority, including the requirements for
5 state-specific data, BellSouth continues to urge the Authority to allow it to use the
6 Georgia SQM. The Georgia SQM, however, includes regional data for many
7 measures and thus is inconsistent with the Authority's determination in Phase I of
8 the OSS Docket that BellSouth's OSS were not sufficiently regional such that
9 performance data and third-party test results from other states would be applicable
10 to Tennessee.¹⁷
11

12 **Q. IS IT IMPORTANT THAT THE BELL SOUTH PROVIDE RELIABLE**
13 **PERFORMANCE DATA?**

14 A. Yes. Indeed, reliability is so important that the Authority designed Phase II of the
15 OSS Docket to focus on that very issue.
16

17 **Q. HAS BELL SOUTH PROVIDED RELIABLE PERFORMANCE DATA?**

18 A. No, and AT&T Witness K. C. Timmons provides detailed testimony on this
19 subject.
20

21 **Q. WITHOUT RELIABLE AND COMPLIANT TENNESSEE-SPECIFIC**
22 **PERFORMANCE DATA OR TEST RESULTS, CAN BELL SOUTH**
23 **ESTABLISH THAT IT PROVIDES CLECS WITH**
24 **NONDISCRIMINATORY ACCESS TO OSS IN TENNESSEE?**

25 A. No. Such information is a prerequisite for the Authority's evaluation of
26 BellSouth's OSS. BellSouth acted prematurely by requesting that the Authority

¹⁷ See OSS Phase I Order, at 43.

1 proceed with this Docket before the completion and implementation of the
2 Performance Measurements Docket and the OSS Docket.

3
4 **OSS FUNCTIONALITY**

5 **Q. DOES BELL SOUTH PROVIDE CLECS WITH NONDISCRIMINATORY**
6 **ACCESS TO OSS FUNCTIONALITY?**

7 **A.** No. Even though the Act was passed over six years ago, BellSouth still has not
8 provided CLECs with nondiscriminatory access to OSS functionality in a number
9 of important areas, including:

10 **Electronic Ordering and Processing** – BellSouth does not provide
11 CLECs with equivalent functionality to submit electronic orders and to
12 have such orders processed automatically without manual
13 intervention. Successful electronic ordering and processing is commonly
14 referred to as flow through.

15 **Status Notices** – BellSouth does not provide CLECs with equivalent
16 status notices (which include firm order confirmations,
17 rejection/clarification notices, and completion notices, among others)
18 because such notices often are not timely and do not include important
19 information.

20 **Integrated Maintenance & Repair Interface** – Despite being ordered to
21 do so by the Authority, BellSouth has not yet provided CLECs with an
22 integratable maintenance and repair system that incorporates all the
23 functionality present in BellSouth's Trouble Analysis Facilitation
24 Interface ("TAFI").

25 **Billing** – BellSouth does not consistently provide CLECs with timely
26 access to complete and accurate billing information and takes an
27 excessive amount of time to resolve billing disputes.

1
2 **ELECTRONIC ORDERING AND PROCESSING**

3 **Q. IS BELLSOUTH REQUIRED TO PROVIDE CLECS WITH NON-**
4 **DISCRIMINATORY ACCESS TO ELECTRONIC ORDERING AND**
5 **PROCESSING?**

6 A. Yes. On November 29, 2001, the Authority addressed these issues in its Final
7 Order of Arbitration and Award for the arbitration between AT&T and
8 BellSouth.¹⁸ Issue No. 18(b) in the arbitration was the extent to which BellSouth
9 had to provide CLECs with the ability to submit orders electronically for all
10 services and elements. Issue No. 18(c) was the extent to which BellSouth had to
11 provide electronic processing after electronic ordering, without subsequent
12 manual processing by BellSouth personnel. The Authority “concluded
13 unanimously that BellSouth must provide electronic ordering, without manual
14 intervention, for all network facilities which BellSouth or its retail affiliates are
15 capable of ordering electronically without manual intervention.”¹⁹

16
17 **Q. HAS BELLSOUTH PROVIDED ELECTRONIC ORDERING WITHOUT**
18 **MANUAL INTERVENTION FOR ALL NETWORK FACILITIES THAT**
19 **BELLSOUTH (OR ITS RETAIL AFFILIATES) ARE CAPABLE OF**
20 **ORDERING ELECTRONICALLY WITHOUT MANUAL**
21 **INTERVENTION?**

22 A. No. BellSouth can submit electronic orders that are capable of flowing through its
23 systems without manual intervention up to 100 percent of the time, for every
24 service, product, or transaction used to support its retail operations. In contrast,
25 there remain many types of wholesale products (services and network elements)

¹⁸ *Petition for Arbitration of the Interconnection Agreement between AT&T Communications of the South Central States, Inc., TCG MidSouth, Inc., and BellSouth Telecommunications, Inc. Pursuant to 47 U.S.C. § 252, Docket No. 00-00079, dated November 29, 2001 (the “AT&T Arbitration Order”).*

¹⁹ AT&T Arbitration Order at 40.

1 that CLECs cannot even order electronically. Moreover, a significant percentage
2 of orders that CLECs do submit electronically will fallout to manual processing
3 because of BellSouth system design or BellSouth system error (collectively,
4 “BellSouth-Caused Fallout”). This is particularly the case with respect to
5 electronic orders in the two markets that represent the vast majority of wholesale
6 revenue in Tennessee – UNEs and business resale. The matrix below shows the
7 BellSouth-Caused Fallout and the respective share of wholesale revenues in April
8 2002 for each product type.

9

Product	BellSouth-Caused Fallout ²⁰	Revenue ²¹
Residential Resale	10.30%	15.36%
Business Resale	44.03%	17.71%
UNEs	34.90%	66.93%
LNP	61.71%	N/A

10 As you can see, BellSouth causes more than one third of the CLECs’ electronic
11 orders to fallout for manual processing for those products that represent nearly 85
12 percent of wholesale revenues. In other words, the electronic orders for the most
13 valuable products in terms of revenue are those that are mostly susceptible to
14 manual processing.

15
16 **Q. DOES BELL SOUTH GENERALLY MEET THE FLOW THROUGH**
17 **BENCHMARKS SET BY THE AUTHORITY FOR TENNESSEE**
18 **ORDERS?**

19

²⁰ These figures are based on BellSouth’s response to Interrogatory No. 43 in this Docket. The percentage is the corollary of the achieved flow rate (i.e., 100% minus achieved flow through rate) for each product type for all interfaces.

²¹ These figures are based on BellSouth’s response to Interrogatory No. 6 in this Docket. The figure equals the revenue for each product type in April 2002, divided by the total non-interconnection revenue (i.e., residential resale plus business resale plus unbundled network element).

1 A. No. Over the past year (May 2001 through April 2002), BellSouth has met the
2 benchmarks only three times out of 48 opportunities (four measures times 12
3 months):

	Residence	Business	UNEs	LNP
Benchmark	95%	90%	85%	85%
Number of Months Benchmark Met	2	0	0	1

4
5
6
7 **Q. WHAT IS THE OPERATIONAL CONSEQUENCE OF MANUAL**
8 **PROCESSING?**

9 A. Manual ordering and/or processing is generally slower and less accurate than
10 electronic ordering and/or processing. As a result, electronic CLEC orders
11 experiencing manual processing are more likely to experience unforeseen delays,
12 extended due dates, inefficient operations and provisioning errors. Manual
13 processing, moreover, is generally more costly than electronic processing. These
14 increased costs ultimately lead to higher prices for consumers.

15
16 For example, it takes BellSouth 18 hours on average to return a firm order
17 confirmation ("FOC") or rejection notice for electronic orders that are processed
18 manually. By contrast, BellSouth takes an average of only 15 minutes to return a
19 FOC or rejection notice when the order is processed electronically. As a result of
20 the 18-hour delay in the return of FOCs and rejection notices on electronic orders
21 processed manually, CLECs seeking to ascertain the status of the order must
22 contact BellSouth's Local Service Center, or various Web based status reports, –
23 expending time and resources in the process. Moreover, because BellSouth does
24 not assign a due date for an LSR until it returns the FOC, the 18-hour delay may
25 result in the assignment of later due dates for customers whose LSRs are manually
26 processed than for BellSouth's retail customers whose orders were placed at the

1 same time. Similarly, if the partially mechanized order is rejected, the 18-hour
2 return time will delay the resubmission of the LSR and the provisioning of the
3 order.

4
5 **STATUS NOTICES**

6 **Q. IS IT IMPORTANT FOR CLECS TO RECEIVE COMPLETE AND**
7 **ACCURATE STATUS NOTICES ABOUT THEIR ORDERS?**

8 A. Yes. Whether a BOC has provided CLECs with timely, complete, and accurate
9 status notices is critical to a CLEC's ability to compete – and an important factor
10 in determining whether the BOC is in compliance with Section 271.

11 Georgia/Louisiana Order, App. D, ¶ 36; Second Louisiana Order, ¶ 117.

12
13 **Q. DOES BELL SOUTH PROVIDE COMPLETE INFORMATION IN ITS**
14 **STATUS NOTIFICATIONS?**

15 A. No, BellSouth provides inconsistent and incomplete information on its status
16 notices. AT&T found a 14% error rate during its joint testing of UNE-P in 2000.
17 More recently, KPMG has issued three separate exceptions finding such
18 deficiencies in the notices that it has received in its third-party testing in Florida.

19 **Exception 165** -- KPMG found that 17 percent of the clarification
20 responses (responses that BellSouth sends when a CLEC's LSR is
21 incomplete or incorrect) that it had reviewed were inaccurate. KPMG
22 found that erroneous clarification responses "may require CLECs to utilize
23 additional resources to verify order information before successfully
24 processing individual customer orders," and "may result in Missed
25 Appointments and rescheduled orders, decreasing CLEC customer
26 satisfaction."²²

²² KPMG Exception 165, dated May 16, 2002 (attached hereto as Exhibit JMB – 1).

1
2 **Exception 166** -- KPMG found that the FOCs that BellSouth had returned
3 in response to for resale and UNE-P LSRs lacked billing account number
4 ("BAN") information, even though BellSouth is required to include such
5 information on FOCs. KPMG found that this omission could adversely
6 impact CLECs by requiring them to expend additional resources to verify
7 BAN information in order to process customer orders successfully.²³
8 KPMG closed this exception on June 20, 2002, following BellSouth's
9 implementation of a software fix on June 2, 2002.

10
11 **Exception 170** -- KPMG issued another exception because 25 percent of
12 the missed appointment notices issued by BellSouth (the notices that
13 BellSouth issues when an appointment has been missed due to a reason
14 attributable to the end-user) were incomplete, containing blank fields
15 where a value was expected. KPMG found that this problem could result
16 in delays in the rescheduling of orders and require CLECs to expend
17 additional resources to ensure successful completion of their customers'
18 orders.²⁴ KPMG closed this exception on June 20, 2002, following a
19 review of tracking information provided by BellSouth that while improving
20 the observed experience did not bring performance to test benchmark
21 levels.

22
23

²³ KPMG Exception 166, dated May 16, 2002 (attached hereto as Exhibit JMB - 2). KPMG originally classified this problem as an observation (Observation 183), but escalated it to an exception after BellSouth agreed with KPMG's assessment but promised to implement a "fix" to the problem in Release 10.5. *Id.*

²⁴ KPMG Exception 170, dated June 6, 2002 (attached hereto as Exhibit JMB - 3).

1 **Q. ARE THERE OTHER PROBLEMS WITH STATUS NOTICES**
2 **RECEIVED FROM BELL SOUTH?**

3 A. Yes. CLECs often experience what is referred to as “serial clarification”. When
4 manual Local Service Requests (“LSRs”) or electronically submitted LSRs that
5 fallout to the Local Carrier Service Center (“LCSC”) for manual processing and
6 an error is found on the LSR, the BellSouth service representative is supposed to
7 find, identify and report all errors that exist on the LSR. If there is incorrect or
8 missing information at three places in an LSR, all three are supposed to be
9 identified back to the CLEC in the clarification message. Often, however, the
10 LCSC representative does not review the complete order and sends a clarification
11 on only a single error when there are several. The CLEC corrects the error
12 identified and re-submits the LSR only to have it clarified again for the next error,
13 and so on.

14
15 This has been a recurring problem. Despite the fact that BellSouth has announced
16 and conducted “re-training” of its LCSC personnel a number of times over the
17 years serial clarifications still occur at an unacceptable rate. This issue has been
18 discussed in workshops held in Georgia, Louisiana, and Florida. It is currently an
19 open item as a sub-set of Issue O-5 in the Florida Competitive Issues Forum
20 Collaborative. In its last report to the group on March 21, 2002, BellSouth
21 committed once again to reducing the occurrence rate for serial clarifications.

22
23
24 **INTEGRATION OF MAINTENANCE & REPAIR INTERFACE**

25 **Q. HAS THE AUTHORITY DETERMINED THAT BELL SOUTH IS**
26 **REQUIRED TO PROVIDE CLECS WITH THE CAPABILITY TO**
27 **INTEGRATE BELL SOUTH’S TROUBLE ANALYSIS FACILITATION**
28 **INTERFACE (TAFI) FUNCTIONALITY WITH THE CLECS’ BACK**
29 **OFFICE SYSTEMS?**

1 A. Yes. In the AT&T Arbitration Order, the Authority found that “BellSouth does
2 not provide non-discriminatory access to the full functionality of its maintenance
3 and repair OSS” as a result of “the lack of integratability of the TAFI interface.”²⁵
4 Accordingly, the Authority “voted unanimously to require BellSouth to provide an
5 integratable system that incorporates all the functionality present in the TAFI
6 interface for CLEC usage.”²⁶

7

8 **Q. HAS BELL SOUTH PROVIDED SUCH AN INTEGRATABLE**
9 **MAINTANENCE AND REPAIR SYSTEM?**

10 A. No. This is particularly egregious because BellSouth has been refusing to provide
11 an integrated maintenance and repair interface with TAFI functionality since
12 1996. Until BellSouth does provide an integratable maintenance and repair
13 system, it is not providing non-discriminatory access to OSS as required by the
14 Authority.

15

16 **INCOMPLETE & INACCURATE BILLING INFORMATION**

17 **Q. DOES BELL SOUTH PROVIDE CLECS WITH COMPLETE AND**
18 **ACCURATE USAGE REPORTS AND WHOLESALE BILLS?**

19 A. No. In the Georgia/Louisiana Order, the FCC stated that, as part of its obligation
20 to provide nondiscriminatory access to its OSS, “BellSouth must provide
21 competing carriers with complete and accurate reports on the service usage of
22 competing carriers’ customers in substantially the same time and manner that
23 BellSouth provides such information to itself, and wholesale bills in a manner that
24 gives competing carriers a meaningful opportunity to compete.”

25 Georgia/Louisiana Order, ¶ 173.²⁷ BellSouth, however, has not done so.

²⁵ AT&T Arbitration Order, at 42.

²⁶ AT&T Arbitration Order, at 42.

²⁷ See also *Massachusetts 271 Order*, ¶ 97; *New York 271 Order*, ¶ 226.

1
2 The daily usage files and wholesale bills that AT&T has received from BellSouth
3 contain numerous errors. These errors include:

- 4 • Billing AT&T several hundred thousand dollars for originating
5 switching charges even when the traffic originates on AT&T's switch
6
- 7 • Billing AT&T monthly for one time charges associated with
8 collocations
- 9 • Failing to bill AT&T for local minutes of use for a six month period
- 10 • Sending AT&T bills on new accounts with past due balances
- 11 • Sending retail bills to AT&T
- 12 • Assessing late payment charges against AT&T when payment on bills
13 was not overdue as defined in the parties' interconnection agreement

14
15 **Q. HAS BELLSOUTH BEEN RESPONSIVE IN RESOLVING BILLING**
16 **PROBLEMS?**

17 A. No, and that compounds the billing problems. Each time AT&T receives errors
18 on its bills, it contacts BellSouth to seek resolution of the problem through mutual
19 collaboration (rather than through litigation). Under the interconnection
20 agreement between BellSouth and AT&T, BellSouth is required to resolve a claim
21 of billing problems within 60 days after receiving the claim from AT&T.
22 However, BellSouth has failed to resolve billing problems in a timely manner.

23
24 Many of the problems are unresolved even though AT&T first filed claims raising
25 them six or more months ago. For example, AT&T first raised the issue of
26 BellSouth's erroneous assessment of late payment charges in August 2001, and
27 the issue of BellSouth's erroneous billing of originating usage in December 2001.

1 However, BellSouth did not even provided a response to these claims until June
2 2002. Such behavior, unfortunately, is typical of BellSouth. BellSouth did not
3 provided any written response to at least 12 of 23 claims²⁸ that AT&T filed
4 between February 2001 and March 2002 until more than 30 days after their
5 submission.

6
7 **Q. HOW DOES BELL SOUTH'S RESPONSIVENESS COMPARE TO OTHER**
8 **RBOCS?**

9 A. In AT&T's experience, BellSouth's lack of responsiveness to billing problems is
10 the worst of any RBOC. The frequent billing errors by BellSouth, together with
11 the failure of BellSouth to address them in a timely manner, severely impairs a
12 CLEC's ability to provide timely and accurate bills to its customers. In such
13 circumstances, a CLEC does not have a meaningful opportunity to compete.
14

15 **CHANGE CONTROL PROCESS**

16 **Q. DID THE FCC DISCUSS BELL SOUTH'S CHANGE CONTROL**
17 **PROCESS IN ITS GEORGIA/LOUISIANA ORDER?**

18 A. In its Georgia/Louisiana Order, the FCC reiterated its earlier rulings that, as part
19 of its determination of whether a BOC has complied with its OSS obligations, "it
20 must review the BOC's change management procedures to determine whether
21 these procedures afford an efficient competitor a meaningful opportunity to
22 compete by providing sufficient access to the BOC's OSS."²⁹ The FCC described
23 the scope of that review as follows:
24

25 In evaluating whether a BOC's change management plan
26 affords an efficient competitor a meaningful opportunity to

²⁸ AT&T typically files single claims involving the same billing error that has occurred over a period of multiple months.

²⁹ Georgia/Louisiana Order, ¶ 179.

1 compete, we first assess whether the plan is adequate by
2 determining whether the evidence demonstrates: (1) that
3 information relating to the change management process is
4 clearly organized and readily accessible to competing
5 carriers; (2) that competing carriers had substantial input in
6 the design and continued operation of the change
7 management process; (3) that the change management plan
8 defines a procedure for the timely resolution of change
9 management disputes; (4) the availability of a stable testing
10 environment that mirrors production; (5) and the efficacy of
11 the documentation the BOC makes available for the
12 purpose of building an electronic gateway. After
13 determining whether the BOC's change management plan
14 is adequate, we evaluate whether the BOC has established a
15 pattern of compliance with the plan.³⁰

16
17 Based on the evidence in the Georgia/Louisiana record, the FCC found that
18 BellSouth satisfied this test. The FCC cited the evidence of the then-existing
19 status of the change control process, and noted various commitments made by
20 BellSouth (such as its promise implement the "Top 15" change requests
21 prioritized by the CLECs) that, if implemented, would improve the CCP.³¹ Thus,
22 the FCC concluded: "We recognize that BellSouth has not always implemented
23 the Change Control Process in the most efficient manner, but because of its
24 overall record, the recent improvements it has made [to the CCP], including the
25 implementation of several important competitive LEC-requested features, its
26 commitment to continued improvement, and its collaborations with competitive
27 LECs in this process, we do not find a record that warrants checklist
28 noncompliance."³²

29

³⁰ *Id.* (citations omitted).

³¹ *See id.*, ¶¶ 180-197.

³² *Id.*, ¶ 194.

1 The FCC emphasized in its Order, however, that its assessment was based on the
2 evidence of BellSouth's performance at that time, and that subsequent events
3 could change its assessment.
4

5 **Q. HAVE SUBSEQUENT EVENTS OCCURRED THAT WARRANT A**
6 **DIFFERENT FINDING ON THE ADEQUACY OF BELL SOUTH'S**
7 **CHANGE CONTROL PROCESS.**

8 Yes, events since the Order, in fact, show that BellSouth's CCP does not satisfy
9 the requirements of Section 271. As explained below, BellSouth's CPP has the
10 following characteristics that render it deficient:

- 11 • Unilateral Control by BellSouth
- 12 • Insufficient Sharing of Release Capacity Information
- 13 • Inordinately Slow Implementation of Change Requests
- 14 • Inadequate Test Environment
- 15 • CCP Noncompliance
- 16

17 **UNILATERAL CONTROL BY BELL SOUTH**

18 **Q. DO CLECS HAVE A SUBSTANTIAL INPUT IN THE DESIGN AND**
19 **OPERATIONS OF THE CHANGE CONTROL PROCESS?**

20 A. No, BellSouth exerts unilateral control over the CCP. In discussing BellSouth's
21 performance in implementing change requests prioritized by the CLECs, the FCC
22 stated:

23
24 While we find BellSouth's performance to be adequate, we
25 note that it is important that BellSouth continue to work
26 collaboratively with competitive LECs through the Change
27 Control Process on prioritization issues, provide
28 competitive CLECs with sufficient information to be able
29 to make informed decisions regarding prioritization of
30 proposed systems changes, and implement changes in a
31 timely manner. Should any problems in this regard develop

1 such that the requirements of section 271 are no longer met,
2 we are prepared to take appropriate enforcement action.³³

3 Whatever the record may have indicated in the Georgia/Louisiana proceeding,
4 subsequent events show that BellSouth has not adhered to the requirements set
5 forth in the Order – and that its CCP is not currently in compliance with Section
6 271.

7
8 **Q. HAS BELL SOUTH BEEN WORKING COLLABORATIVELY WITH THE**
9 **CLECS ON PRIORITIZATION ISSUES?**

10 A. No. BellSouth still refuses to consider or accept any change in the CCP that
11 would end the “core deficiencies” in the CCP: BellSouth’s exclusive control over
12 the prioritization, implementation, sequencing, and scheduling of change requests.
13 BellSouth and the CLECs discussed these core issues and other possible changes
14 to the CCP during meetings held on March 28, April 11, and May 2, 2002.
15 However, none of these meetings resolved the core issues. Instead, BellSouth
16 proposed that:

- 17
18 • There be separate production releases for the CLECs and for
19 BellSouth;
20 • The CLECs could prioritize both CLEC-initiated (Type 5) and
21 BellSouth-initiated (Type 4) changes, and could elect to have Type 4
22 change requests implemented in “their” releases;
23 • BellSouth would follow the prioritization and scheduling determined
24 by the CLECs to be implemented in the CLEC releases” (subject to the
25 “capacity constraints” described below) but will have sole control over
26 what changes are implemented – and when – in the BellSouth releases;
27 and

³³ *Id.*, ¶ 193.

- BellSouth would implement prioritized CLEC initiated change requests within 60 days, but subject to “capacity constraints” – as unilaterally determined by BellSouth.

Q. DID THE CLECS AGREE TO BELL SOUTH’S PROPOSAL?

A. No, the CLECs did not agree to BellSouth’s proposal because it suffered from a number of deficiencies. The proposal arbitrarily divides releases by CLECs by BellSouth and focuses on the originator of the changes, rather determine prioritization and implementation of changes according to their need through simultaneous consideration of Type 4 and Type 5 changes. Moreover, under its proposed procedure, BellSouth would retain the same exclusive control over prioritization and implementation of its own Type 4 change requests that it had in the past (except to the extent that CLECs include Type 4 change requests in “their” releases). Finally, by insisting that its professed commitment to implement CLEC-prioritized change requests within 60 weeks of implementation be “subject to capacity constraints” – which it alone would determine – BellSouth would continue to exercise exclusive control over when particular change requests would be implemented and effectively avoid any commitment.

At the conclusion of the May 2nd meeting, BellSouth stated that it was making its “best and final” offer, and the parties agreed that they were “at an impasse” on the prioritization issue.³⁴ Yet, even though the CLECs did not agree to BellSouth’s proposal, BellSouth proceeded to implement it unilaterally following the meeting. In its May 14th letter to the FCC announcing its 2003 Release Plan, BellSouth

³⁴ Minutes of May 2, 2002, CCP Process Improvement Workshop Meeting, at 10 (Exhibit JMB - 4). BellSouth rejected the proposal presented by the CLECs, which called for a single joint prioritization and implementation process for all Type 4 and Type 5 change requests and provided for implementation of all such requests within 60 weeks of their prioritization. *Id.* at 2 and “CLEC CCP Proposal Overview” at 2-6 (Exhibit JMB -5).

1 divided releases according to “BST Production” and “CLEC Production.”³⁵

2 Similarly, in a prioritization meeting with the CLECs on May 22, 2002, BellSouth
3 provided 2003 release capacity information according to “BellSouth releases” and
4 “CLEC releases” separately.

5
6 Since the May 2nd meeting, BellSouth and the CLECs have remained at an
7 impasse over the issues of prioritization, implementation, sequencing, and
8 scheduling of change requests. The FCC’s Georgia/Louisiana Order assumed that
9 these disputes would be resolved by the Georgia PSC, stating that:

10
11 through a collaborative effort in the Change Control Process actively
12 monitored by the Georgia Commission, participants are negotiating
13 improvements to the feature sizing and resource allocation elements of the
14 Change Control Process as well as possibly adding intervals for
15 implementing features that could improve the transparency of software
16 release decisions.³⁶

17
18 Indeed, the Georgia PSC advised the FCC that it was “conducting a
19 comprehensive examination of the CCP,” including “consideration of changes to
20 the current Change Management Process” and a review of the
21 “redlined/greenlined” changes to the CCP proposed by the CLECs and BellSouth,
22 respectively.³⁷ BellSouth advised the FCC that these GPSC proceedings “will
23 result in further process improvements” and “should give [the FCC] significant

³⁵ See *ex parte* letter from Kathleen B. Levitz (BellSouth) to Marlene H. Dortch in CC Docket No. 02-35 (“BellSouth May 14 *ex parte*”), tables entitled “BellSouth Proposal to Address Prioritization/Scheduling”. A copy of the BellSouth May 14 *ex parte* is attached hereto as Exhibit JMB - 6.

³⁶ *Georgia/Louisiana Order*, ¶ 185 n.697.

³⁷ See Comments of the Georgia Public Service Commission filed March 5, 2002, in CC Docket No. 02-35, at 26.

1 assurance that BellSouth's performance in this area will continue to improve even
2 beyond its current compliant state."³⁸

3
4 **Q. WHAT ROLE HAS THE GEORGIA COMMISSION PLAYED IN**
5 **RESOLVING THE IMPASSE?**

6 Representatives of the Georgia PSC were present at the May 2nd meeting between
7 BellSouth and the CLECs. At the end of the meeting, having been advised that
8 BellSouth and the CLECs were at an impasse over such issues as prioritization,
9 these representatives requested that the parties provide a list of the issues in
10 dispute. See Exhibit JMB - 4 hereto, at 13.

11
12 The Georgia PSC, however, has not yet resolved the impasse reached at the May
13 2nd meeting. The Georgia PSC took no action on the matter until June 10, 2002,
14 when the GPSC Staff requested BellSouth and the CLECs to file jointly an
15 updated change control document containing all previously agreed-upon changes
16 and all language changes proposed by the CLECs or by BellSouth, along with a
17 spreadsheet outlining the arguments for or against each disputed issues.³⁹ On July
18 5, 2002, the joint submission was filed with the GA PSC and are provided as
19 Exhibits JMB-8, 9, and 10.⁴⁰ The GA PSC has not yet established a schedule for
20 resolution of the issues in dispute. Thus, it is uncertain when, or whether, the
21 issues will be resolved in the GPSC proceedings.

³⁸ Supplemental Reply Brief in Support of Application by BellSouth For Provision of In-Region, InterLATA Services in Georgia and Louisiana, filed March 28, 2002, at 18.

³⁹ A copy of the GPSC Staff's letter of June 10, 2002, is attached hereto as Exhibit JMB - 7. The GPSC Staff also requested the parties to file individual comments by June 24 regarding any performance metrics benchmarks or analogs recommended at the workshop to measure BellSouth's performance in the CCP.

⁴⁰ Exhibit JMB-8 is the updated Red/Green-line CCP Document filed with the GA PSC on July 5, 2002. Exhibit JMB-9 is the Disputed Issues Matrix. Exhibit JMB-10 is the related Comments on Performance Measures for the CCP.

1
2 **INSUFFICIENT SHARING OF RELEASE CAPACITY INFORMATION**

3 **Q. HAS BELL SOUTH PROVIDED CLECS WITH THE RELEASE**
4 **CAPACITY INFORMATION NECESSARY TO MAKE INFORMED**
5 **PRIORITIZATION DECISIONS?**

6 **A.** No. Contrary to the FCC's expectation in the Georgia/Louisiana Order, BellSouth
7 has not provided CLECs with sufficient release capacity information to enable
8 them to make informed decisions regarding prioritization of proposed changes.
9 For example, BellSouth has not provided sizing information regarding change
10 requests previously prioritized (but not yet implemented), the remaining
11 individual releases scheduled for 2002, or any historical information about the
12 capacity utilized for releases implemented in previous years.

13
14 Following the May 22, 2002, prioritization meeting of BellSouth and the CLECs,
15 BellSouth failed to provide CLECs with sizing information for 2 of the 26 change
16 requests to be prioritized, despite its previous commitment to provide such
17 information for all change requests that were candidates for prioritization. Even
18 the 24 change requests for which BellSouth did provide sizing information
19 constituted less than 60 percent of the forty-two (42) change requests that had not
20 yet been scheduled for implementation at that time.

21
22 Furthermore, at the May 22nd meeting BellSouth provided no sizing information
23 regarding the changes that it expects to include in Releases 10.6 and 11.0, which
24 are the remaining releases scheduled for implementation in 2002. Without such
25 information, CLECs cannot perform proper planning for changes or make
26 meaningful prioritization decisions.

1 BellSouth has also failed to provide CLECs with information regarding the
2 portion of the capacity of forthcoming releases will involve “defect” (Type 6)
3 change requests – i.e., change requests to repair defects in previously implemented
4 releases. This information is critical to CLECs, because – as BellSouth has
5 acknowledged in its recent evidentiary submissions and its “CCP Quarterly
6 Tracking Reports” – defect change requests have accounted for more than 70
7 percent of the change requests actually implemented by BellSouth.⁴¹
8

9 **INORDINATELY SLOW IMPLEMENTATION OF CHANGE REQUESTS**

10 **Q. HAS BELL SOUTH BEEN IMPLEMENTING CHANGE REQUESTS IN A**
11 **TIMELY MANNER?**

12 A. No, BellSouth is not fulfilling its commitment to implement change requests in a
13 timely manner. BellSouth has already postponed the implementation of three
14 releases. Shortly before issuance of the Georgia/Louisiana Order, BellSouth
15 postponed implementation of Release 10.5, which included certain “flow-through
16 improvement features” that the Order cited as one of its bases for finding
17 BellSouth’s flow-through performance to be adequate. Georgia/Louisiana Order ¶
18 146.⁴² Implementation of that release, originally scheduled for May 18-19, did
19 not occur until June 1-2, 2002 – and, as described below, that the release was
20 implemented with numerous defects.
21

⁴¹ See *ex parte* letter from Joan Marsh (AT&T) to Marlene Dortsch in CC Docket No. 02-35, dated April 19, 2002, at 3-4 & Att. 1 (attached hereto as Exhibit JMB - 11).

⁴² BellSouth did not advise the FCC of the postponement of the implementation of Release 10.5 until the day before the issuance of the FCC’s *Georgia/Louisiana Order*. See *ex parte* letter from Kathleen B. Levitz (BellSouth) to Marlene H. Dortsch in CC Docket No. 02-35, dated May 15, 2002 (“BellSouth May 15 *ex parte*”). As discussed below, contrary to the assumption of the *Georgia/Louisiana Order* that ten “flow-through improvements” would be implemented as part of Release 10.5, that release included only two such improvements – and only four more flow-through improvements are scheduled for implementation during 2002.

1 More recently, BellSouth announced the postponement of two additional releases
2 scheduled for implementation later in 2002. Implementation of Release 10.6,
3 originally scheduled for July 13-14, has been postponed until late August.
4 Implementation of Release 11.0, originally scheduled for November 16-17, has
5 now been rescheduled for the first week of December. These two releases include
6 not only additional “flow-through improvement features,” but some of the “Top
7 15” change requests prioritized by the CLECs, which BellSouth had previously
8 committed to implement by the end of 2002 – a commitment noted approvingly
9 by the FCC in its Georgia/Louisiana Order. *Id.*, ¶ 193.

10
11 **Q. IS THERE A BACKLOG OF CHANGE REQUESTS THAT HAVE NOT**
12 **YET BEEN IMPLEMENTED?**

13 A. Yes. According to BellSouth’s change control log and change request status
14 reports (on its web site), as of June 11, 2002, BellSouth had not implemented 65
15 change requests for features and 32 defect change requests. The status of the 97
16 pending requests is summarized in the following matrix and discussed below.

17

	Feature Requests	Defect Change Requests
New	5	--
Pending	5	--
Candidate/Validated	42	21
Scheduled	13	11
Total	65	32

18
19 **New Feature Request (5)** -- Under the CCP, “new” request is a change
20 request that has been received by the BellSouth Change Control Manager,
21 but has not yet been validated. Although the interval for validation under
22 the CCP is 10 business days, BellSouth did not meet that timetable for any
23 of them. One of the requests was filed as long ago as December 2000.

1
2 **Pending Feature Requests (5)** -- A “pending” request is a change request
3 that has been accepted by the BellSouth Change Control Manager and
4 scheduled for change review and prioritization. One of these requests was
5 submitted in April 2000, and two others were submitted more than nine
6 months ago.

7
8 **Candidate Feature Requests (42)** -- A “Candidate Request” is a change
9 request that has completed the change review and prioritization process,
10 and is ready to be scheduled for implementation in a release. Sixteen of
11 these requests (nearly 40 percent of the total) were originally submitted in
12 1999 or 2000. An additional seven requests were submitted between
13 January and June 2001. Sixteen of the “Candidate Requests” were
14 prioritized in April 2001, but have still not been scheduled by BellSouth
15 for implementation.

16
17 **Scheduled Feature Requests (13)** -- A “scheduled” request is a change
18 request that has actually been scheduled for implementation through a
19 BellSouth release. In the case of these thirteen requests, implementation
20 has been scheduled for August or December 2002. For eight of these
21 requests, the scheduled implementation date is at least 19 months (and as
22 long as 34 months) since the date on which the request was originally
23 filed.⁴³ The implementation dates scheduled for three other requests are

⁴³ Change request 364 (Exhibit JMB-12), which was submitted by AT&T in August 1999, was finally implemented on July 1, 2002, – nearly three years after it was submitted. This change request seeks the implementation of a process that would permit a CLEC to submit manually, and “in bulk,” multiple requests for corrections of directory listings. AT&T requested the manual process only after BellSouth stated that development of an automated process was not possible. There is no justifiable basis for BellSouth’s delay in implementing this manual process, which would be relatively simple to implement.

1 between 11 and 14 months from the original submission date. One of the
2 scheduled requests was originally submitted in August 1999; the majority
3 of the remaining requests were submitted by December 2000.

4
5 **Total Feature Requests (65)** -- Of the sixty-five backlogged feature
6 requests, thirty-six are Type 5 (CLEC-initiated), ten are Type 4 (BellSouth-
7 initiated), and nineteen are Type 2 (regulatory). Tables summarizing these
8 change requests are provided in Exhibit JMB - 13.

9
10 **Validated Defect Change Requests (21)** -- A "validated" request is a
11 change request on which BellSouth has performed an internal analysis and
12 determined that the defect is a validated defect. Seven (one-third) of these
13 twenty-one requests were submitted more than 120 days ago, and four of
14 them were submitted at least 14 months ago (one in September 2000).

15
16 **Scheduled Defect Change Request (11)** -- For the majority of these
17 requests, the scheduled implementation date will occur at least 120 days
18 after the request was filed, even though BellSouth has agreed (first for
19 purposes of the Service Quality Measurements and finally in its recently
20 proposed changes to the CCP) that the maximum possible period is 120
21 days from submission.⁴⁴ Four other requests will be between 102 and 116
22 days old when implemented.

23

⁴⁴ Under the CCP, BellSouth is required to implement a defect change request within 10 days when the request is "high-impact," and within 90 days when the request is "medium-impact." With respect to "low-impact" defect requests, BellSouth previously agreed in the CCP only to use its "best efforts" to implement such requests in a timely manner. However, in early 2002, for purposes of the Service Quality Measurements, BellSouth has agreed to a 120-day deadline for implementation of low-impact defect change requests. BellSouth's recent update to its proposed CCP language now also reflects a 120-day deadline.

1 **Total Defect Change Requests (32)** -- The calculation of 32 defect change
2 requests in the backlog is conservative, because it does not include five
3 additional change requests that, according to BellSouth's current change
4 control log, BellSouth has either "determined to not be a defect" and six
5 other change requests for which BellSouth has requested the originator to
6 provide additional information. Nor does our calculation take into account
7 documentation defects. Tables summarizing these defect change requests
8 are provided in Exhibit JMB - 14.

9
10 The extent of this change request backlog, and the long time frames that have
11 elapsed since their submission, shows that – contrary to the FCC's previous
12 finding in its Georgia/Louisiana Order – defects have not "been corrected quickly
13 and within the timeframes set by the Change Control Process."⁴⁵ Exhibit JMB-15
14 shows the implementation intervals for changes implemented and scheduled for
15 implementation in 2002. Moreover, none of the performance metrics concerning
16 the CCP that BellSouth has recently agreed to implement will fully measure
17 whether it implements change requests in a timely manner. ⁴⁶

18
19 **Q. WILL THE REMAINING RELEASES IN 2002 SUBSTANTIALLY**
20 **REDUCE THE EXISTING BACKLOG?**

⁴⁵ *Georgia/Louisiana Order*, ¶ 194.

⁴⁶ As the FCC has previously noted, two of those metrics simply measure the extent to which BellSouth meets the 10-business-day deadline for validating or rejecting a change request after its submission, and the percentage of change requests that BellSouth denies after submission for any of the reasons for which it is allowed to do so under the CCP. *Georgia/Louisiana Order*, ¶ 183 & n.685. Although another metric measures the percentage of software defects corrected within their appropriate interval, that metric does not measure whether *feature* change requests are implemented in a timely manner. *id.*, ¶ 195 & n.750. Even leaving aside the limited scope of these metrics, BellSouth has refused to agree to include any of them in its Performance Assurance Plan – and therefore will pay no penalty for inadequate performance. See Exhibit JMB-10 for CLEC proposed modifications to CCP metrics designed to remedy these measurement deficiencies.

1 A. No. BellSouth has advised the CLECs that the two releases scheduled for
2 implementation for the remainder of 2002 – release 10.6 and 11.0 – are “full” and
3 therefore cannot include any releases other than those already scheduled for
4 implementation in those releases.

5
6 **Q. WHEN DOES BELL SOUTH PLAN TO REDUCE ITS BACKLOGGED**
7 **CHANGE REQUESTS?**

8 A. Not until at least May or June of 2003, according to BellSouth’s projection.
9 Given that many of the change requests have been backlogged for more than a
10 year already, a delay of another year is unreasonable and excessive. Moreover,
11 BellSouth’s projection is questionable.

12
13 Shortly before the issuance of the Georgia/Louisiana Order, BellSouth asserted to
14 the FCC that “according to release capacity projections, it is possible to eliminate
15 approximately 80% of the ‘backlog’ [of] change requests by next year.”⁴⁷ In
16 response to discovery requests in this Docket,⁴⁸ BellSouth stated that it arrived at
17 the 80 percent figure by estimating that: (a) 1,256 units would be available in
18 CLEC production releases if no industry release occurred in 2003; and (b) 1,518
19 units of capacity would be required to reduce the Type 2 flow-through change
20 requests, and Type 5 change requests.⁴⁹ BellSouth then divided the 1,256 units by
21 1,581 units, producing a percentage of 79 percent. As explained below, however,
22 that projection is unreasonable.

⁴⁷ See *Georgia/Louisiana Order*, ¶ 193 n.738.

⁴⁸ See BellSouth’s Response to Consolidated CLEC First Data Requests in Tennessee Regulatory Authority Docket No. 97-00309, served May 23, 2002 (“BellSouth Tennessee Responses”), Response to Item No. 10, at 2-3. A copy of BellSouth’s response is attached hereto as Exhibit JMB - 16.

⁴⁹ A unit is equal to 100 release cycle hours, which are the total number of hours estimated for planning, analysis design, code development, testing and implementation for a single change request. A unit is approximately three man-weeks of work.

1
2 **No Industry Release** – BellSouth’s projection is based on the assumption that
3 there will be “no industry release in calendar year 2003.”⁵⁰ BellSouth, however,
4 acknowledged in its May 14 *ex parte* letter that an industry release (ELMS-6) is
5 scheduled for implementation in 2003.⁵¹ BellSouth further acknowledged that, if
6 ELMS-6 is implemented in 2003, the two “CLEC production releases” that it has
7 scheduled for that year absent an industry release would be reduced to one, and
8 the capacity of those releases would be reduced by 50 percent (from 1256 units to
9 628 units). Similarly, the number of “BellSouth production releases” would be
10 reduced from three to two in 2003, and the capacity of those releases would also
11 be reduced from approximately 1256 units to 628 units. See Exhibit JMB - 17.⁵²
12

13 **No Type 2, Type 4, or Type 6 Change Requests** -- BellSouth’s projection fails
14 to include other types of change requests, such as Type 2 (regulatory, non-flow
15 through), Type 4 (BellSouth-initiated), and Type 6 (defect). BellSouth’s
16 explanation of its projection, therefore, is inconsistent with its May 14 *ex parte*
17 letter in the Georgia/Louisiana proceeding, which purported to include all four of
18 these types of change requests in the calculation of the total capacity of “CLEC

⁵⁰ BellSouth May 14 *ex parte* at 1 (Exhibit JMB - 6).

⁵¹ See BellSouth May 14 *ex parte* at 1 & table entitled “BellSouth Proposal to address Prioritization/Scheduling – 2003 Release Plan with an Industry Release.”

⁵² At a CCP meeting held on June 2, 2002, the CLECs voted (by a 5-to-2 vote, with AT&T dissenting) in favor of implementation of the ELMS-6 industry standard release in 2003. However, the CLECs’ vote provides no basis for BellSouth’s decision to reduce the total capacity available for implementation of change requests due to the implementation of an industry standard release. According to BellSouth’s May 14 *ex parte* letter, the total capacity that BellSouth assigns for all “BellSouth releases” and “CLEC releases” in 2003 is virtually the same regardless of whether an industry release occurs – approximately 2,512 units absent an industry standard release, and 2,656 units in the event that an industry standard release is implemented. As described below, BellSouth has provided no reason why, in the event of an industry standard release, it could not simply increase the total available capacity to account for that release, rather than reduce the capacity available for implementation of change requests.

1 releases.”⁵³ Moreover, based on past experience, it is likely that defect change
2 requests will constitute the overwhelming majority of change requests in
3 BellSouth’s releases – thus limiting the capacity available for implementation of
4 the backlogged change requests.

5
6 **CLEC Production Release** -- Under BellSouth’s release plan for 2003, no
7 prioritized change requests are likely to be implemented until May or June of that
8 year, when a “CLEC Production” release is scheduled.⁵⁴ The only release
9 scheduled for implementation in 2003 prior to May of that year is a “BellSouth
10 production” release (scheduled for March 2003) that, according to BellSouth’s
11 May 14 *ex parte* letter, will primarily involve the migration of BellSouth’s linkage
12 systems to a new platform, and of the TAG interface to a new programming
13 language.⁵⁵ BellSouth’s CCP managers have since announced that the March
14 2003 release will not implement any of the backlogged prioritized change
15 requests.

16
17 **INADEQUATE TEST ENVIRONMENT**

18 **Q. IS BELL SOUTH REQUIRED TO PROVIDE AN ADEQUATE AND**
19 **STABLE TEST ENVIRONMENT?**

⁵³ See BellSouth May 14 *ex parte*, “BellSouth Proposal to address Prioritization/Scheduling – 2003 Release Plan without an Industry Release” (Exhibit JMB -6). BellSouth’s current process allows CLECs to include Type 4 change requests in “CLEC releases” if they wish to do so. CLECs, in fact, have given some Type 4 requests a higher priority than some Type 5 requests in their past, because their need for a particular change does not depend on whether it is originally requested by BellSouth or by the CLECs.

⁵⁴ BellSouth’s 2003 release plan calls for the implementation of the first “CLEC production” release in May 2003 if an industry release occurs during that year, and in June 2003 if no industry release occurs. See Exhibit JMB -17.

⁵⁵ Although the “migration” that will occur under the March 2003 release is a change that will clearly affect CLECs, BellSouth has taken the position that it is not required to submit a change request for the release. This is but another instance of BellSouth’s disregard of the CCP.

1 A. Yes. In its Georgia/Louisiana Order, the FCC reiterated that a BOC must offer an
2 adequate and stable test environment in order to demonstrate compliance with its
3 OSS obligations:

4
5 A stable testing environment that mirrors the production
6 environment and is physically separate from it is a
7 fundamental part of a change management process ensuring
8 that competing carriers are capable of interacting smoothly
9 and effectively with a BOC's OSS, especially in adapting to
10 interface upgrades. Moreover, a testing environment that
11 mirrors production avoids a "competing carrier's
12 transactions succeeding in the testing environment but
13 failing in production."⁵⁶

14 **Q. DOES BELLSOUTH CURRENTLY PROVIDE AN ADEQUATE AND**
15 **STABLE TEST ENVIRONMENT?**

16 A. No. The sheer volume of defect change requests – which have accounted for
17 more than 70 percent of all change requests implemented by BellSouth – reflects
18 BellSouth's failure to conduct adequate internal testing prior to implementation.
19 Although the FCC concluded in the Georgia/Louisiana Order that BellSouth was
20 performing adequate internal testing before implementing software releases, it
21 simultaneously expressed its concern "that software releases with numerous
22 defects inhibit smooth transitions between releases," and stated that it intended "to
23 monitor BellSouth's performance in that regard."⁵⁷ Despite the FCC's
24 admonition, BellSouth still fails to conduct adequate internal testing before
25 releasing software.

26
27 For example, in March 2002, after BellSouth submitted its Georgia/Louisiana
28 application, KPMG issued an Exception Report in its third-party testing in Florida

⁵⁶ *Georgia/Louisiana Order*, ¶ 187 (quoting *Texas 271 Order*, ¶ 132).

⁵⁷ *Georgia/Louisiana Order*, ¶ 195.

finding that “BellSouth did not completely test code changes for Releases 10.2 and 10.3 prior to these releases going into production,” and implemented those releases with “no apparent plan to mitigate the adverse impact of reduced pre-release testing.”⁵⁸ As a result of the defects in the releases, BellSouth identified and published more than 40 defect change requests.⁵⁹ Exception 157 remains open today.

Q. WAS BELLSOUTH’S PERFORMANCE ANY BETTER FOR RELEASE 10.5?

A. No. Release 10.5, which BellSouth implemented in June 2002, is the latest in a series of releases that BellSouth implemented with significantly defective OSS software. Indeed, following the implementation of Release 10.5, KPMG issued an amendment to Exception 157 finding that Release 10.5 also had “significant defects in the software when . . . placed into the production environment.”⁶⁰ The matrix below illustrates the extent of Release 10.5 software defects in terms of number, impact (as classified by BellSouth), and current status.

Description	Number	Impact	Scheduled Correction
Software Defects Identified by BellSouth Before Implementation	2	Low	1 – August 1 – Open
Software Defects Identified by CLEC/BellSouth Transactions After Implementation	15	8 High 6 Medium 1 Low	12 – Corrected 1 -- August 2 – Open
Total	17	8 High	12 – Corrected

⁵⁸ See KPMG Exception 157, dated March 4, 2002 (Exhibit JMB - 18).

⁵⁹ *Id.* at 1-2.

⁶⁰ Amended KPMG Exception 157, dated June 14, 2003, at 5-6 (attached hereto as Exhibit JMB - 19).

		6 Medium 3 Low	2 – August 3 – Open
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1

2 The fact that Release 10.5 was so defective when implemented is particularly
3 striking in view of BellSouth's assertion to the FCC that it had delayed the
4 implementation of this release to ensure that it "meets the quality standards to
5 which BellSouth is committed."⁶¹

6

7

CPP NONCOMPLIANCE

8

9

Q. DOES BELL SOUTH CONSISTENTLY COMPLY WITH THE CHANGE CONTROL PROCESS?

10 A. No, BellSouth continues to flout the CCP whenever it pleases. Even as the FCC
11 was approving its GA/LA application, BellSouth was again failing to comply with
12 the CCP in connection with its Change Request 0756.

13

14 **Q. WHAT WAS THE SUBJECT MATTER OF CHANGE REQUEST 0756?**

15 A. Change Request 0756 ostensibly was intended to eliminate BellSouth's incorrect
16 routing of intraLATA calls originated by CLEC customers who are provided voice
17 service through the UNE platform.⁶² Although required to route the calls to the
18 point of presence or network of the carrier that the customer has designated as its

⁶¹ *Ex parte* letter from Kathleen B. Levitz (BellSouth) to Marlene H. Dortch in CC Docket No. 02-35, dated May 15, 2002.

⁶² The misrouting of intraLATA calls has a substantial adverse effect on the customer and the customer's chosen intraLATA carrier and the CLEC. From the customer's standpoint, misrouted intraLATA calls are not carried by the carrier that he/she selected. The intraLATA provider selected by the customer does not receive the revenue received from the intraLATA call. In fact, the "correct" intraLATA provider is charged by BellSouth for transmission of the records for those calls on the Daily Usage File, even though the calls should never have been routed through BellSouth's switch in the first place. By contrast, the misrouting of intraLATA calls benefits BellSouth, which receives revenue from the intraLATA calls, and payments from the CLEC for the DUF records, to which it is not entitled.

1 intraLATA carrier, on numerous occasions BellSouth has misrouted the call to the
2 wrong intraLATA carrier. When such calls are misrouted, BellSouth usually
3 routes them through its own switch – making itself the intraLATA carrier.
4 AT&T's records show that a substantial number of intraLATA calls of its
5 customers were misrouted to the wrong carrier. MCI has experienced the same
6 problem.⁶³

7
8 In the FCC's Georgia/Louisiana proceeding, BellSouth advised the FCC that the
9 intraLATA misrouting problem was "only a problem in Georgia," and was due to
10 a "slight geographic difference" between flat-rate local calling areas and
11 measured-rate local calling areas.⁶⁴ However, Change Request 0756, which
12 BellSouth submitted on April 26, 2002, is flatly inconsistent with that
13 explanation. Change Request 0756, which BellSouth describes as "UNE-P call
14 scope changes," requests the updating of existing universal service ordering codes
15 ("USOCs"), and the addition of numerous State-specific USOCs, for all nine
16 States in the BellSouth region. As part of this change request, BellSouth proposes
17 numerous amendments to its user requirements for UNE-P call scope changes.⁶⁵
18 Furthermore, although BellSouth previously advised the FCC that the misrouting
19 problem affected "very few intraLATA calls," it recently acknowledged to the

⁶³ See *Georgia/Louisiana Order*, ¶ 146; Declaration of Sherry Lichtenberg filed March 4, 2002, in CC Docket No. 02-35, ¶ 17 (testifying that as of January 25, 2002, more than 47,000 of MCI's records showed incorrect routing of intraLATA calls).

⁶⁴ See *Georgia/Louisiana Order*, ¶ 269 & n.1058; see also *ex parte* letter from Kathleen B. Levitz (BellSouth) to Marlene H. Dortch in CC Docket No. 02-35, dated May 14, 2002, Attachment at 2 (describing misrouting as an "isolated problem for Georgia").

⁶⁵ Copies of Change Request 0756, and of the revised user requirements associated with the change request, are attached hereto as Exhibit JMB - 20 and 21, respectively. BellSouth has scheduled Change Request 0756 for implementation on August 26, 2002, as part of its implementation of Release 10.6.

1 CLECs that if the changes it proposes are defects, they would “probably be
2 assessed as medium-impact defects.”⁶⁶
3

4 **Q. HOW DID BELL SOUTH FAIL TO COMPLY WITH THE CCP WITH**
5 **RESPECT TO CHANGE REQUEST 0756?**

6 A. BellSouth classified this request as a regulatory (Type 2) change, citing an order
7 issued by the Mississippi Public Service Commission on September 19, 2000, in
8 MPSC Docket No. 2000-AD-413. The MPSC’s docket, however, involved only a
9 request for an expanded area scope in DeSoto County, Mississippi – not to
10 Georgia, and not to each State in the BellSouth region. Stated otherwise,
11 BellSouth has classified as “regulatory” a request to implement changes in every
12 State in its region to correct a problem that it previously claimed to exist only in
13 Georgia, on the basis of an order issued by regulatory authorities in Mississippi
14 involving a single county in that State.
15

16 BellSouth’s description of the change request as the result of a “regulatory
17 mandate” is thus pure fiction. In reality, BellSouth is simply seeking to make
18 massive corrections to defects in its systems as a result of its improper
19 implementation of the UNE platform. BellSouth has advised the CLECs that the
20 new USOCs are being introduced in order to clarify the delineation between non-
21 caller ID and caller ID-capable UNE ports and to limit the possibility of service
22 interruptions during conversions to UNE-P service. If the USOCs are being
23 introduced for this purpose, however, BellSouth has not explained why they were
24 not originally implemented in 2000, when BellSouth first offered the UNE
25 platform to CLECs. Far from being the result of a “regulatory mandate,” Change

⁶⁶ See *Georgia/Louisiana Order* ¶ 269; BellSouth responses to AT&T Questions Submitted 6-4-02, at 1 (attached hereto as Exhibit JMB - 22).

1 Request 0756 is the result of BellSouth's failure to provide correct central office
2 routing instructions and/or codes to support the UNE platform since BellSouth
3 implemented the UNE-P.⁶⁷
4

5 **Q. ARE THERE OTHER EXAMPLES OF BELL SOUTH'S**
6 **NONCOMPLIANCE WITH THE CCP?**

7 A. Yes. BellSouth continues to violate the CCP in its treatment of defect change
8 requests. For example, the CCP requires BellSouth to correct "high impact"
9 change requests within 10 business days, "medium impact" defects within 90
10 business days, and "low-impact" defects with "best effort," although BellSouth
11 has committed to a 120-day interval.⁶⁸ BellSouth, however, frequently falls far
12 short of complying with these deadlines. For example, as stated above, a number
13 of defect change requests in the current backlog are already more than 120 days
14 old, but have not even been scheduled for implementation. The majority of the
15 defect change requests that have been scheduled for implementation will be more
16 than 120 days old at the time of implementation – and two of those requests will
17 be 200 and 412 days old. .

⁶⁷ The deficiencies that BellSouth seeks to correct through Change Request 0756 are but the latest example of BellSouth's flawed implementation of the UNE platform. For example, although an October 2001 amendment to AT&T's interconnection agreement with BellSouth gave AT&T the right to order DSL for a line splitting arrangement where AT&T provided voice service through the UNE-P, BellSouth did not immediately, and properly, load all associated USOCs and rates to all of its tables to support AT&T's ordering of line splitting. Instead, AT&T's orders for line splitting were rejected on the ground that line splitting was not available under the agreement. Even after BellSouth acknowledged its error and attempted to load the necessary USOCs (which is clearly defined, basic work), its systems still rejected AT&T's line splitting orders. Only on its second loading attempt was BellSouth successful. These problems unnecessarily delayed AT&T's testing efforts and market entry through the UNE platform. BellSouth's flawed implementation of the UNE-P is further manifested by the loss of dial tone experienced by numerous customers served through the UNE-P, due to problems associated with BellSouth's use of a two-order system for UNE-P conversions. *See Georgia/Louisiana Order*, ¶ 167 & n.619. As a result of this loss of dial tone, BellSouth was ordered by the Georgia PSC to implement a single "C" (change) order to replace the two-order system by January 5, 2002. BellSouth, however, did not implement single "C" ordering until March 23, 2002 – and only for four of the nine States in its region.

⁶⁸ *See Georgia/Louisiana Order*, ¶ 195 n.744.

1
2 BellSouth's failure to comply with the CCP was recently reconfirmed by KPMG
3 in its third-party testing in Florida. In Exception 123, issued last November,
4 KPMG found that BellSouth was improperly classifying change requests as
5 features, rather than as defects – thereby avoiding the time deadlines imposed by
6 the CCP for resolution of defects. Two months ago, KPMG issued an amendment
7 to Exception 123 finding that BellSouth had again failed to follow the defect
8 process set forth in the CCP, in connection with "system enhancements" that it
9 had implemented to correct the unexpected manual fall-out of orders that KPMG
10 had noted in its testing. KPMG found that (1) these enhancements should have
11 been classified as defects, (2) BellSouth failed to open Type 6 (defect) change
12 requests for associated with the defects, and (3) BellSouth had failed to adhere to
13 the intervals for validating and opening defects. KPMG concluded that
14 BellSouth's failure to follow the CCP in such situations "may result in the
15 CLECs' inability to efficiently execute transactions with BellSouth, resulting in
16 CLEC customer dissatisfaction."⁶⁹

17
18 **Q. PLEASE SUMMARIZE YOUR TESTIMONY REGARDING**
19 **BELLSOUTH'S CCP.**

20 A. BellSouth's CCP remains seriously inadequate because of BellSouth's continued
21 unilateral control of the process. BellSouth unilaterally decides which change
22 requests will be implemented, and when. BellSouth unilaterally decides what
23 information to share with CLECs, and what information to withhold. BellSouth
24 unilaterally decides whether to put a release into production despite inadequate
25 testing. And BellSouth unilaterally decides whether to comply with its own CCP.

⁶⁹ Amended KPMG Exception 123, dated May 8, 2002, at 4-5 (attached hereto as Exhibit JMB - 23).

1 Such control is indicative of a monopolist and not a company that provides
2 nondiscriminatory access to its OSS.

3
4 **CONCLUSION**

5 **Q. PLEASE SUMMARIZE YOUR ENTIRE TESTIMONY.**

6 A. BellSouth has not and cannot establish that it currently provides CLECs with
7 nondiscriminatory to its OSS in Tennessee as required by 271 Checklist Items 2
8 and 14. BellSouth has not provided reliable, Tennessee-specific performance data
9 or test results that comply with the Authority's requirements. BellSouth,
10 moreover, does not provide CLECs with equivalent functionality in a number of
11 key areas, including electronic ordering and processing. In addition, BellSouth's
12 CCP is inadequate, which casts doubt on its ability and commitment to provide
13 CLECs with nondiscriminatory access to its OSS. Accordingly, the Authority
14 should find that BellSouth has not established that it provides CLECs with non-
15 discriminatory access to its OSS.

16 **Q. DOES THIS CONCLUDE YOUR TESTIMONY?**

17 A. Yes, it does.
18